

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

ANTONIO MARQUIS LATHON

PLAINTIFF

v.

Civil No. 06-5133

CORPORAL WASHBOURNE;
SHERIFF TIM HELDER;
OFFICER KERN; OFFICER ROBINSON;
and OFFICER CASINO

DEFENDANTS

ORDER

The court was previously advised in this case that Officer Wesley Kern died in an automobile accident on June 3 2006. Plaintiff was asked whether he intended to pursue an individual capacity claim against Officer Kern. Plaintiff failed to respond court's order.

Plaintiff is advised that if he intends to pursue an individual capacity claim against Officer Kern a motion to substitute and/or add the estate or personal representative of Officer Kern must be filed. If a motion to substitute is not filed with the court by **September 20, 2007, the undersigned will recommend that plaintiff's claims against Officer Kern be dismissed based on his failure to prosecute and his failure to obey the orders of the court.**

IT IS SO ORDERED this 24th day of August 2007.

/s/ *J. Marszewski*

HON. JAMES R. MARSZEWSKI
UNITED STATES MAGISTRATE JUDGE